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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,371	06/19/2001	Shuji Shichi	PNDF-01078	1070

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EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/883,371	Applicant(s) SHICHI, SHUJI	
	Examiner Harish T. Dass	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/18/02, 5/11/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13-15 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for one-to-one correspondence, does not reasonably provide enablement for claim 13.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, because claim 1 recites the limitations "'the purchaser's ID", "the n-th action", "the n-th password", "the (n+1)-th", etc " in lines 5-13, claim 3 recites "the agreement" in line 4, and claim 6 recites "the action of distribution" in line 2. There are insufficient antecedent basis for these limitations in the claims. Please correct all insufficient antecedent basis in all claims.

Claims 11-12 are rejected under 35 U.S.C. 112, second paragraph, because claim 11 recites the limitation "the settlement" in line 9, and claim 12 recites the limitation "the time" in line 3 and "the contract" in line 4 and "the next-time" lines 4-5. There are insufficient antecedent basis for these limitations in the claims.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, "inputting the n-th password used at the n-th time to a terminal, an action of inputting the (n+1)-th password used at the (n+1)-th time" is not clear. An essential step(s) is missing.

Examiner, for a purpose of this office action, **assumes that this means access the n-th or (n+1) time requires dynamic code (new password).**

Claim 3 "collation of the agreement" is not cleared.

Claim 6, "the action of distribution" is not cleared.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by KWAN (US 2003/0200179).

Re. Claim 1, KWAN discloses actions on a purchaser's end (user) and actions on a seller's end (merchant) [see Abstract; paragraph or para. 0004-0005, 0009]

wherein: the actions on the purchaser's end (user) comprise an action of inputting the purchaser's ID [para. 0013; – see log on with his password], the n-th action of inputting the n-th password used at the n-th time to a terminal , an action of inputting the (n+1)-th password used at the (n+1)-th time to the terminal [Figures 2-3; para. 0013 – see do away with static number, so ... time controlled payment code], and an action of inputting contents to the terminal [para. 0020-0021; 0038; claim 1]; and the actions on the seller's end comprise an action of distributing the contents to the purchaser [para. 0020-0021], and an action of subtracting a price corresponding to the contents from the balance in a database [see claim 1].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over KWAN.

Re. Claim 2, KWAN discloses confirming that a new password [claims 7-8].

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KWAN does not explicitly disclose re-inputting the (n+1)-th password used at the (n+1)-th time; and the actions on the seller's end further comprise an action of collating an agreement between the (n+1)-th password and the re-inputted (n+1)-th password.

However, re-entering password is well known to confirm an accurate password is entered. For example: 1- when registering to a financial institution (Bank) or website (google book page), it requires the user to re-enter the password. 2- If a user changes his password with a registered site (access to his bank account) and enters a new password, the system requires him/her to re-enter the new password.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure KWAN and include re-entering password to authenticate the new password.

Re. Claim 3, KWAN discloses wherein the actions on the seller's end further comprise an action of registering the (n+1)-th password on the basis of the collation of the agreement [Abstract; para. 0013 - see merchant code].

Re. Claim 4, KWAN an action of indicating the balance and the contents to the purchaser [para. 0022, 0082; claim 1].

Re. Claim 5, KWAN discloses an action of confirming that the balance exceeds the price, and an action of permitting the purchaser a purchase on the basis of the confirmation; and the action of inputting the contents to the terminal is equal to a

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purchaser's action of clicking the contents indicated on the terminal [page 11 claims 4-5].

Re. Claim 6, KWAN discloses wherein the action of distribution is implemented after the action of confirmation [see claim 4].

Re. Claim 7, KWAN discloses wherein the actions on the seller's end further comprise actions of updating the balance by subtracting the price from the balance and of registering the updated balance, and an action of indicating the updated balance to the purchaser [para. 0042].

Re. Claim 8, KWAN discloses wherein the actions on the seller's end further comprise an action of registering a purchase date corresponding to the contents, the purchase, and the purchaser [para. 0004; 0046].

Re. Claim 9, KWAN discloses wherein the indication is implemented on a screen of the terminal [para. 0013, 0046].

Re. Claim 10, KWAN discloses wherein the indication is implemented by a speaker of the terminal [para. 0046].

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over KWAN in view of Rubin et al (hereinafter Rubin – US 6,701,522).

Re. Claims 11-12, KWAN discloses a sales system arranged on a purchaser's end (point of sale) [para. 0004, 0018], a database arranged on a seller's end [para. 0004], and a communication network [Abstract; Figure 1; para. 0004] and the database to each other, the seller distributes [para. 0004], sells [Abstract; para. 0005 – see merchant], and settles contents instructed by the purchaser [para. 0004]; a price contracted between the purchaser and the seller is registered to the database [Abstract]; and the settlement in the database is implemented by subtracting a price of the contents purchased by the purchaser [see claim 1], and a serial number [claim 1 – transaction number] of the purchaser determined at the time of the contract and a password (code) used by the purchaser at the next-time purchase are transmitted from the host computer the database; and the password is registered to the database until the next-time purchase is implemented [Abstract; Figures 2-3; para. 0013; claim 1]. KWAN does not explicitly disclose portal, or a portal site. However, Rubin discloses this feature [see Abstract; Figures 1-2, 7; col. 1 lines 5-50] to allow a user(s) (purchaser) to customize interested websites, which will be automatically retrieved and display information the user is seeking. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of KWAN and include portal, as disclosed by Rubin, to allow the user to configure its favorites website for obtaining information or purchases.

Conclusion

Claims 1-15 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
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3/13/06